



### **ABOUT THE FIRM**

Nye, Peabody, Stirling, Hale & Miller LLP is a civil litigation and appellate law firm located in Santa Barbara, California. Over the course of two decades the central coast law firm of Carrington & Nye has evolved into Nye, Peabody, Stirling, Hale & Miller, a national leader in clergy abuse litigation. In addition to specializing in childhood sexual abuse litigation, the firm also devotes substantial time and energy to other complex litigation including employment matters, discrimination, intellectual property, significant personal injury, product liability, civil rights, consumer fraud, and unfair business practices.

The firm has obtained some of the largest plaintiff's jury verdicts and settlements in the tri-counties, as well as some of the largest clergy abuse settlements in the history of the scandal in the United States. The firm also represents individuals and companies in employment litigation, intellectual property matters, and personal injury cases, and maintains an active public entity practice, representing such clients as the Regents of the University of California, the County of Santa Barbara, the City of Lompoc, the City of Simi Valley, and other local municipalities.

One of the true pioneers in the field of Roman Catholic clergy childhood sexual abuse litigation, the firm was the first in the nation to obtain a pre-trial settlement in excess of one million dollars against a Catholic entity. The settlement was obtained on behalf of a young man who had been sexually abused as a child by a Franciscan Friar.

The firm's focus has been on educating and informing the public as to the identities and practices of both religious and secular organizations and individuals who have a demonstrated history of placing the welfare of children at risk. For example, the firm served as lead counsel in court proceedings that resulted in two ground-breaking decisions in the Los Angeles Superior Court. In those decisions, the firm obtained authorization for the publication of information contained in priest personnel files which the firm argued, and the court agreed, was critical to the public's ability to identify both the perpetrators of clergy sexual abuse and the priests and other religious individuals and organizations who have taken affirmative steps to protect these perpetrators.

During its rich history, the firm has represented hundreds of clients and distinguished itself for its ability to offer personal, one-on-one service. Each of the firm's seven partners is committed to vigorously pursuing the rights of the firm's clients in a broad spectrum of legal matters.

**Nye, Peabody, Stirling, Hale & Miller, LLP**  
**33 West Mission Street, Suite 201**  
**Santa Barbara, CA 93101**  
**(805) 963-2345**

## **RELEVANT PRACTICE AREAS**

### **Class Actions**

NPSH&M has the unique experience of prosecuting and defending a broad range of class actions, including those involving unfair business practices, insurance fraud, false advertising, and wage and hour violations. The firm's attorneys have served as lead, co-lead, and local counsel on behalf of its consumer and institutional clients in both state and federal court. The firm's class action section has represented plaintiffs and defendants in the following areas:

Consumer Protection: Protects consumers from defective products and fraudulent marketing practices.

Antitrust: Protects individuals and businesses from price fixing, unfair business practices and other anticompetitive conduct.

Civil Rights and Employment: Protects employees and consumers against unfair practices and racial, age, gender, and other forms of discrimination, and defends employers against similar claims.

Insurance and Health Care: Represents victims of fraud and unfair sales practices by life insurance companies and HMOs.

False Claims and Whistleblowers: Provides for awards to individuals who uncover false claims for payment submitted to the federal government.

### **Intellectual Property**

NPSH&M offers a full range of legal services to assist our clients with preserving and leveraging their intellectual property. The lawyers in our intellectual property group have previously worked at some of the largest intellectual property firms in the country. Over the years, our lawyers have represented notable athletes, authors, entertainers, inventors, and companies in all aspects of intellectual property litigation, including matters involving copyright, trademark, and patent infringement. This has included work on high-stakes cases in state and federal court, and before the United States International Trade Commission. Our lawyers have also negotiated complex contracts and licensing agreements with major entertainment and technology companies both domestically and abroad.

### **Appellate**

While we always strive to achieve exceptional results for our clients at the trial court level, those results are only meaningful if they withstand appeal. At NPSH&M, we represent clients through both the trial court and appellate court processes. We also handle appellate matters referred to our firm by other attorneys and institutional clients. Because our appellate attorneys also practice at the trial court level, we employ appellate-level strategy when handling matters in the trial court and utilize both our substantive and procedural expertise at the appellate level. Our

attorneys have represented clients successfully in both state and federal appellate courts, including the United States Supreme Court and the United States Court of Appeals for the Ninth Circuit. Some of our recent appellate court successes include:

- Obtaining full affirmance by the Court of Appeal of the lower court's grant of summary judgment for our clients (after successfully representing them in the lower court) in an employment case alleging sex discrimination, sexual harassment, and retaliation under the California Fair Employment and Housing Act.
- Obtaining complete reversal by the Court of Appeal of the District Court's order denying summary judgment (after moving for summary judgment on behalf of our clients in the District Court) with instructions to the District Court to enter judgment for our clients in a federal civil rights lawsuit.
- Obtaining full affirmance by the Court of Appeal of the lower court's entry of a judgment of dismissal in favor of for our clients (after successfully representing them in the lower court) in a defamation lawsuit.
- Obtaining full affirmance by the Court of Appeal of the lower court's grant of summary judgment for our clients (after successfully representing them in the lower court) in an employment case alleging discrimination, harassment, and retaliation on the basis of sex and race/national origin.
- Obtaining full affirmance by the Court of Appeal of the judgment entered for our clients in the lower court (after obtaining a jury verdict in their favor in the lower court) in an employment and tort case alleging invasion of privacy, wrongful termination and slander
- Obtaining full affirmance by the Court of Appeal of the judgment entered for our client in the lower court (after obtaining a jury verdict in his favor in the lower court) in a products liability case
- Successfully petitioning to the United States Supreme Court for a writ certiorari on behalf of our clients (after representing them on appeal before the U.S. Court of Appeals for the Ninth Circuit and representing them at trial before the District Court) and obtaining vacation by the United States Supreme Court of the judgment of the Court of Appeals in a civil rights case (published opinions: *Muehler v. Mena*, 544 U.S. 93, 125 S.Ct. 1465, 161 L.Ed.2d 299 (2005); *Muehler v. Mena*, 542 U.S. 903, 124 S.Ct. 2842, 159 L.Ed.2d 266 (2004)).
- Successfully petitioning to the Court of Appeal for a peremptory writ of mandate directing the trial court to enter judgment on behalf of our clients (after representing them in the lower court) in a civil rights case (published opinion: *City of Simi Valley v. Superior Court* (2003) 111 Cal.App.4th 1077, 4 Cal.Rptr.3d 468).

**JONATHAN D. MILLER**



Jonathan Miller is a partner at Nye, Peabody, Stirling, Hale & Miller, where he specializes in handling complex litigation. Jonathan has represented Fortune 500 companies, public entities and individuals in cases involving claims for wrongful termination, discrimination, violation of civil rights, consumer fraud, unfair business practices, breach of contract, insurance coverage, professional negligence, copyright, trademark and patent infringement, and trade secret misappropriation. Jonathan enjoys an AV® Preeminent™ rating from Martindale-Hubbell, the highest rating given practicing attorneys by their peers in terms of both professional competence and ethics. He was also recently named by American Lawyer Magazine and The National Law Journal as one of the “2013 Top Rated

Lawyers in Labor and Employment,” and one of the “2014 Top Rated Lawyers in Intellectual Property.”

In addition, Jonathan is a panel lawyer for California Lawyers for the Arts (CLA). In this capacity, he counsels a broad range of clients on issues regarding entertainment, publishing, and the arts. Much of this work is done on a pro bono or reduced fee basis. Jonathan is also an adjunct professor at the Santa Barbara College of Law, where he teaches Intellectual Property.

Jonathan has successfully represented his clients in all phases of litigation, including trials and appeals. Jonathan is admitted to practice in both state and federal court and before the Ninth Circuit Court of Appeals.

Jonathan is a graduate of Penn State University, where he received his undergraduate and law degrees. While in law school, Jonathan was president of the Arts, Sports, and Entertainment Law Society. Jonathan also interned with the Recording Industry Association of America (“RIAA”) in Washington, D.C., where he was first exposed to working on notable cases involving copyright infringement.

Jonathan volunteers his time with several non-profit organizations, including serving as a Board member on the Santa Barbara Region Chamber of Commerce.

Jonathan’s representative experience in the class action context includes representing a class of consumers who purchased defective car seats (*Julian v. Evenflo Co., Inc.* [Central District of California Case No. 2:14-CV-01774 RKG-AS]); representing a class of consumers alleging false advertising claims against FRS, who marketed health care products based on Lance Armstrong’s use of such products, when in fact it was Armstrong’s use of anabolic steroids that contributed to his success (*Hyle, et al. v. FRS, et al.* [Central District of California Case No. CV 13-01456 BRO (MANx)]); representing a class of consumers alleging false advertising claims against Pharmavite for its marketing of Vitamin E supplements (*Weintraub v. Pharmavite, LLC* [Central District of California Case No. 2:14-cv-03218]); represented a class of consumers

alleging false advertising claims against Walmart to the Ninth Circuit (*Boris v. Walmart* [Ninth Circuit Case No. 14-55752]); defended a corporation against class claims of illegal recording of telephone calls (*Zamar v. Mercury* [Los Angeles Superior Court Case No. C469266]); defended a corporation against class claims of wage and hour violations [*Knapp v. Cellular Sales of California* [Santa Barbara Superior Court Case No. 17CV03596]]; represented a class of consumers who purchased vehicles with defective engines (*In re Kia Engine Litigation* [Central District of California Case No. 8:17-cv-00838-JLS-JDE]).

**ALISON M. BERNAL**



Alison Bernal is a partner at Nye, Peabody, Stirling, Hale & Miller, where she specializes in handling complex litigation. Her practice focuses on civil litigation in both state and federal court. Alison has represented large and small companies, public entities, and individuals in cases involving claims for negligence, wrongful termination, discrimination, breach of contract, constitutional violations, unfair business practices, consumer class actions, intellectual property, and insurance coverage.

Alison has successfully represented her clients in all phases of litigation, including trials and appeals. She has worked on several successful appeals, including published decisions from the California Court of Appeal and Ninth Circuit. Alison is admitted to practice in both state and federal court.

Born in Berkeley, California, Alison received her juris doctorate from Pepperdine University. While in law school, Alison also earned a certificate from the Strauss Institute of Dispute Resolution and was a Dean's scholarship recipient. She received her undergraduate degree from the University of California, Santa Barbara, double-majoring in Business Economics and Law and Society. While at UCSB, Alison competed on the NCAA Division I women's swim team and was a merit scholarship recipient.

Alison has served on the board of directors for several local nonprofits, including Santa Barbara Athletic Round Table, Santa Barbara Barristers, Santa Barbara Women Lawyers, and Santa Barbara Women Lawyers Foundation.

Alison's representative experience in the class action context includes representing a class of consumers who purchased defective car seats (*Julian v. Evenflo Co., Inc.* [Central District of California Case No. 2:14-CV-01774 RKG-AS]); representing a class of consumers alleging false advertising claims against FRS, who marketed health care products based on Lance Armstrong's use of such products, when in fact it was Armstrong's use of anabolic steroids that contributed to his success (*Hyle, et al. v. FRS, et al.* [Central District of California Case No. CV 13-01456 BRO (MANx)]); representing a class of consumers alleging false advertising claims against Pharmavite for its marketing of Vitamin E supplements (*Weintraub v. Pharmavite, LLC* [Central District of California Case No. 2:14-cv-03218]); represented a class of consumers alleging false advertising claims against Walmart to the Ninth Circuit (*Boris v. Walmart* [Ninth Circuit Case No. 14-55752]); defended a corporation against class claims of illegal recording of telephone calls (*Zamar v. Mercury* [Los Angeles Superior Court Case No. C469266]); defended a corporation against class claims of wage and hour violations [*Knapp v. Cellular Sales of California* [Santa Barbara Superior Court Case No. 17CV03596]]; represented a class of consumers who purchased vehicles with defective engines (*In re Kia Engine Litigation* [Central District of California Case No. 8:17-cv-00838-JLS-JDE]).